

ORIGINAL



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**TOWN OF PARADISE VALLEY**

6401 E. Lincoln Drive

Paradise Valley, AZ 85253

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Andrew M. Miller (SBN #11009)

**Attorney for Town of Paradise Valley**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

Commissioners:

Kristen K. Mayes, Chairman

Paul Newman

Gary Pierce

Sandra D. Kennedy

Bob Stump

IN THE MATTER OF THE APPLICATION  
OF NEWPATH NETWORKS, LLC, FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE TRANSPORT AND  
BACKHAUL TELECOMMUNICATIONS  
SERVICES

**Docket No. T-20567A-07-0662**

**MOTION TO WITHDRAWAL AS  
PARTY (WITH PREJUDICE) AND  
NOTICE OF WITHDRAWAL OF  
HEARING MEMORANDUM BY TOWN  
OF PARADISE VALLEY, ARIZONA**

The Town of Paradise Valley (the "Town"), an Arizona Municipal Corporation, hereby moves the Commission for an Order permitting the Town to withdraw (with prejudice) as a party to these proceedings. Notice is also hereby given that the Town withdraws from consideration its hearing memorandum filed with the Commission in this matter on or about June 12, 2009. This motion is supported by the following points and authorities:

1. On April 23, 2009, the Town Council adopted Resolution 1187 authorizing and directing the filing of a motion to intervene as a party in this matter. Accordingly, an application for intervention was filed with the Commission on April 10, 2009.

2. On April 17, 2009, the Town was granted permission to intervene.

1           3.       On June 12, 22009 the Town filed a hearing memorandum in anticipation of the hearing  
2 scheduled for April 27, 2009. The hearing was then continued, and no hearing date has been  
3 rescheduled.

4           4.       During this time, Town staff and NewPath representatives have continued to discuss,  
5 among other things, matters related to the possibility of NewPath obtaining a certificate of  
6 convenience and necessity from this Commission.  
7

8           5.       As a result of those discussions, the Town has entered into an agreement with NewPath  
9 which established a framework for the relationship going forward.

10          6.       The agreement also provided that the Town will seek permission to withdraw as a party  
11 from these proceedings.

12          7.       Accordingly, it is appropriate for the Commission to enter an Order allowing the Town  
13 to withdraw from these proceedings.  
14

15               For the foregoing reasons, the Town hereby withdraws its Hearing Memorandum previously  
16 filed in this matter. The Town also respectfully requests that the Commission enter an Order allowing  
17 it to withdraw as a party to these proceedings and that such Order be issued on an expedited basis so  
18 that the Town, NewPath, and any other interested Parties can have clarity that the Town will no longer  
19 have a role as these proceedings move forward.

20               RESPECTFULLY SUBMITTED, this 1<sup>st</sup> day of October, 2009.

21                               **TOWN OF PARADISE VALLEY**

22  
23               By: 

24                               Andrew M. Miller  
25                               6401 E. Lincoln Drive  
26                               Paradise Valley, AZ 85253  
                              (480) 348-3691  
                              Town Attorney

1 **ORIGINAL** and 13 copies of the foregoing  
2 filed with the Arizona Corporation Commission  
3 this 2<sup>nd</sup> day of October, 2009

4 **COPY** of the foregoing mailed this  
5 2<sup>nd</sup> day of October, 2009, to:

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